

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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STEPHAN GAGNE,

Plaintiff,

v.

ORDER  
11-CV-361

C.O. FIX, et al.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 11, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that the defendants' motion for partial judgment on the pleadings (Docket No. 13) be granted, that the plaintiff's motion for summary judgment (Docket No. 20) be denied without prejudice with leave for plaintiff to re-file the motion after the completion of discovery, and that plaintiff's motion to compel discovery (Docket No. 21) be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), Magistrate Judge Scott's Report and Recommendation is adopted, and defendants' motion for partial judgment on the pleadings is denied, plaintiff's motion for summary judgment is denied without prejudice, and plaintiff's motion to compel is granted in part and denied in part. The case is referred back to Magistrate Judge Scott for further proceedings.

IT IS SO ORDERED.

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

Dated: March 11, 2014